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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,800	09/12/2003	Jaroslav Belik	1814-19001	8366
23505	7590	12/19/2005	EXAMINER	
CONLEY ROSE, P.C. P. O. BOX 3267 HOUSTON, TX 77253-3267			OKEZIE, ESTHER O	
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			3652	
DATE MAILED: 12/19/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/661,800	<b>Applicant(s)</b> BELIK, JAROSLAV	
	<b>Examiner</b> Esther O. Okezie	<b>Art Unit</b> 3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) 22-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-17, 19, 20, 29 and 32 is/are rejected.
- 7) ☒ Claim(s) 4, 18, 21, 26-28, 30 and 31 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/10/03</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election without traverse of Species I: Figures 1-4B in the reply filed on 8/29/05 is acknowledged. However, claims 22-25 are drawn to a nonelected species, including longitudinally offset teeth portions shown in figures 9A-9C and 15A and 15B of Species III.

Claims 22-25 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim.

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "at least one tracking edge disposed on said lobe camming surface; and at least one groove disposed in said C-shaped groove for receiving and engaging said tracking edge" of claim 18 must be shown or the feature(s) canceled from the claim(s). And the first and second pin or protrusions and first and second plates of claims 10-16 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate

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prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1,2,5-9,13,14,29,32 are rejected under 35 U.S.C. 102(b) as being anticipated by Diask et al.
2. Re claim 1, Diask discloses an apparatus for use in gripping a cylindrical member (pipe 24), the apparatus comprising: a body (20) for delivering the gripping apparatus to the cylindrical member; an insert (30) having teeth for gripping the cylindrical member,

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wherein said insert is supported by and movable relative to said body; a cam member (32) having a longitudinal axis, wherein said cam member is rotatably supported by said body (col. 4, lines 4-25); and wherein said cam member is disposed between said body and said insert and configured to engage said body and said insert such that when said insert moves relative to said body, said cam member rotates about said longitudinal axis (figs 1,5,9a; col. 4, lines 4-36).

3. Re claim 2, said cam member (32) is generally cylindrically shaped (fig 4).

4. Re claim 5, a plurality of said inserts (fig 5) and a plurality of said cam members such that when a force is applied to said inserts, said inserts move and said cam members rotate substantially simultaneously, thereby intensifying the gripping force exerted on the cylindrical member (abstract; col. 2, lines 50-63).

5. Re claim 6, said body further comprises a cam face having an insert recess and a cam member recess, wherein said insert is disposed within said insert recess and said cam member is disposed within said cam member recess such that said body and said insert substantially enclose said cam member (fig 5).

6. Re claim 7, said cam member further comprises a body camming surface (20) and an insert camming surface (30), wherein said body camming surface cammingly engages the surface of said cam member recess and said insert camming surface cammingly engages the surface of said insert recess (fig 5).

7. Re claim 8, said cam member extends substantially the entire length of said body (fig 4).

8. Re claim 9, a means for supporting said cam member (fig 4).

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9. Re claim 13, a means for supporting said insert (40; fig 3).
10. Re claims 14 and 16, said supporting means includes: said body having a top end and a bottom end, wherein said top and bottom ends lie in planes substantially perpendicular to said longitudinal axis of said cam member (fig 9a); a first plate (74) releasably attached to said top end; a first pin or protrusion (72) extending into a first elongate slot in said insert, said first pin being supported by said top plate; a second plate (74) releasably attached to said bottom end; and a second pin or protrusion (72) extending into a second elongate slot in said insert, said second pin being supported by said bottom plate (fig 9b).
11. Re claim 19, a body (20) having an engaging face and a cam face, said cam face having at least one insert recess (fig 5), wherein said insert recess further comprises at least one cam recess (fig 4; fig 9c); a cam member (32) having a longitudinal axis and extending through said cam recess, said cam member having a first camming surface engaging the surface of said cam recess and a second camming surface opposite said first camming surface (fig 2); at least one insert having teeth (52) for gripping the cylindrical member, said insert engaging said second camming surface and partially disposed within said insert recess (fig 9c); and wherein said cam member is rotatable about said longitudinal axis such that when said insert moves relative to said body, said cam member rotates (figs 1,5,9a;col. 4, lines 4-36).
12. Re claim 29, a method for gripping a cylindrical member, the method comprising: delivering a gripping apparatus to the cylindrical member, the gripping apparatus comprising: a body for delivering the gripping apparatus to the cylindrical

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member; an insert having teeth for gripping the cylindrical member, wherein said insert is supported by and movable relative to said body; a cam member having a longitudinal axis, wherein said cam member is rotatably supported by said body; and wherein said cam member is disposed between said body and said insert and configured to engage said body and said insert such that when said insert moves relative to said body, said cam member rotates about said longitudinal axis; engaging said insert teeth with the cylindrical member; imposing a gripping force on the cylindrical member; rotating said gripping apparatus, thereby moving said insert and rotating said cam member; and intensifying said gripping force (fig 5; col. 4, lines 4-36).

13. Re claim 32, the method further including the step of preventing slippage of the insert teeth relative to the cylindrical member (abstract; col. 2, lines 50-63).

14. Claims 1,2,5-9,13,19,29,32 are rejected under 35 U.S.C. 102(b) as being anticipated by Bufkin.

15. Re claim 1, Bufkin discloses an apparatus for use in gripping a cylindrical member, the apparatus comprising: a body (21) for delivering the gripping apparatus to the cylindrical member; an insert (28) having teeth for gripping the cylindrical member, wherein said insert is supported by and movable relative to said body; a cam member (30) having a longitudinal axis, wherein said cam member is rotatably supported by said body (fig 2); and wherein said cam member is disposed between said body and said insert and configured to engage said body and said insert such that when said insert

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moves relative to said body, said cam member rotates about said longitudinal axis (col. 4, lines 18-30).

16. Re claim 2, said cam member (30) is generally cylindrically shaped (fig 2).

17. Re claim 5, a plurality of said inserts (fig 1) and a plurality of said cam members such that when a force is applied to said inserts, said inserts move and said cam members rotate substantially simultaneously, thereby intensifying the gripping force exerted on the cylindrical member (col. 2, lines 17-45).

18. Re claim 8, said cam member extends substantially the entire length of said body (fig 2).

19. Re claim 9, a means for supporting said cam member (34; fig 2).

20. Re claim 13, a means for supporting said insert (32; fig 2).

21. Re claim 29, Bufkin discloses a method for gripping a cylindrical member, the method comprising: delivering a gripping apparatus to the cylindrical member, the gripping apparatus comprising: a body for delivering the gripping apparatus to the cylindrical member; an insert having teeth for gripping the cylindrical member, wherein said insert is supported by and movable relative to said body; a cam member having a longitudinal axis, wherein said cam member is rotatably supported by said body; and wherein said cam member is disposed between said body and said insert and configured to engage said body and said insert such that when said insert moves relative to said body, said cam member rotates about said longitudinal axis; engaging said insert teeth with the cylindrical member; imposing a gripping force on the



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cylindrical member; rotating said gripping apparatus, thereby moving said insert and rotating said cam member; and intensifying said gripping force (fig 1; col. 2, lines 5-45).

22. Re claim 32, the method further including the step of preventing slippage of the insert teeth relative to the cylindrical member (col. 2, lines 17-45).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

23. Claims 3, 17, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Diask et al in view of Bouligny.

24. Re claims 3 and 20 Diask et al discloses a cylindrical cam member (32) and a c-shaped groove in the insert (30) for receiving the camming surface (fig 4). Diask et al does not disclose a cam member with a cammed base portion and a cammed lobe portion. Bouligny discloses a gripping tong for gripping cylindrical objects wherein the cam member (24) includes a base and a lobe portion. The cam is shaped in this manner so that the lobed surface of cam (24) always moves the die insert (16) is always radially inward by correspondingly to the curved cam surface (17) of the die insert.

Consequently the dies are forced radially inward to circumferentially engage the pipe (col. 4, lines 34-60). It would have been obvious to one of ordinary skill in the art to modify

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the cam of Diask et al to include a lobed surface as taught by Bouligny in order to continuously force the die insert into circumferential engagement with the pipe.

25. Re claim 17, Diask discloses a means for supporting said insert (32; fig 2).

26. Claims 10,11,12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bufkin in view of Diask et al.

27. Re claims 10 and 12, Bufkin discloses a body having a top end (25b) and a bottom end (25a), wherein said top and bottom ends lie in planes substantially perpendicular to said longitudinal axis of said cam member (fig 1); a first plate (29) releasably attached to said top end; one pin or projection (34) extending into a first slot in said cam member coincident with said longitudinal axis, said pin being supported by top plate; a second plate (see fig 2 for opposing plates) releasably attached to said bottom end.

Bufkin does not disclose a second pin because the first pin extends through to both sides of the plate. Diask et al discloses two pins (74,74) for securement. It would have been obvious to one of ordinary skill in the art at the time of the invention to use two short pins instead of one long pin because a longer pin would be prone break under rotation stresses faster than two shorter pins.

28. Re claim 11, Bufkin discloses a single pin extending completely through said cam member coincident with said longitudinal axis, said pin being supported by said top and bottom plates, instead of a first and second pin.

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29. Claim 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Diask et al in view of Bufkin. Diask et al discloses a first and second pin (72) being supported by first and second plate (74). Bufkin discloses a singular pin (34) supported by two plates (29). It would have been obvious to one of ordinary skill in the art at the time of the invention to replace the two pins of Diask et al with one pin in order to reduce the number of working parts and thereby reduce manufacturing costs.

### ***Allowable Subject Matter***

Claims 4,18,21,26-28, 30,31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Esther O. Okezie whose telephone number is (571) 272-8108. The examiner can normally be reached on Mon-Thurs 8-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EOO 12/9/05



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